

6 JUL 1977

MEMORANDUM FOR: Deputy to the DCI for National Intelligence  
FROM: Director of Central Intelligence  
SUBJECT: NIE 2-1-77: Law of the Sea

I have reviewed very briefly the key judgments section of the new NIE on the Law of the Sea. My reaction concentrates on page 2:

a. The paragraph on consequences of a collapse of negotiations and no treaty comes to what sounds like a reasonable conclusion. I would like to suggest, however, that rather than state fairly categorically that "...there would be a significantly greater expansion of claims on..." we simply state that in the absence of a new treaty there would be a number of pressures for states to expand their claims, e.g., the failure of the negotiations itself would make them feel they had to move before it was too late; the probability of the United States beginning deep sea activity would make others feel they have to protect their long-term interests by expanding their ocean claims; the general hardening of North/South relationships would make southern nations want to offset deep sea mining activities of the developed countries. On the other hand, there would be some pressures that would inhibit such expansion of claims, e.g., few other countries than the United States have any capability to develop deep sea mining; etc. On balance, the Intelligence Community believes that while there would be no rush in the extensive new claims, there would in the long term be a greater expansion of claims than if we'd had a treaty.

b. Similarly, in the paragraph on consequences of a partial treaty, I am wary of saying "we do not believe that it is possible to negotiate a partial treaty..." rather than pointing out that since most of the countries involved in signing the treaty are developing nations and that they have taken the following positions; and that, etc., we on balance believe it's unlikely that a partial treaty can be negotiated.

  
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